DOCUMENT RESUME

ED 368 813 UD 029 798

AUTHOR Clark, Christine; Jenkins, Morris
TITLE Multiculturalism as a Policy for Disarming Gang Violence in Communities at Large and in Schools.
PUB DATE 93
NOTE 53p.
PUB TYPE Reports - Evaluative/Feasibility (142)

EDRS PRICE MF01/PC03 Plus Postage.
DESCRIPTORS *Cultural Awareness; Cultural Differences; Curriculum Development; *Delinquency; Delinquency Prevention; Elementary Secondary Education; Intervention; *Juvenile Gangs; Mass Media Effects; *Multicultural Education; *Police; Prevention; Racial Differences; Racial Discrimination; Social Problems; Teacher Behavior; Teaching Methods; Urban Areas; Urban Schools; *Violence

ABSTRACT

Those who try to deal with violence in U.S. communities and schools have tended to concentrate on suppression of violence, rather than real prevention, particularly as violence is associated with youth gangs. This discussion focuses on multiculturalism as a policy for reducing gang violence, rather than strategies that have been used to deal with youth gangs, which include community organization, social intervention, provision of social and economic opportunities, organizational development, and suppression. Institutional racism is perhaps the most important issue involved in the formation of gangs and their inappropriate activities, although it is by no means the only cause. The incorporation of the process of multiculturalism into the concept of community policing may assist in reduction of all forms of violence in our society, including gangs. The racial and ethnic character of the police force must reflect the composition of the community. Education to make students more sensitive to different cultures will also help to reduce violence. This will require more cultural awareness on the part of teachers, and more sensitivity in curriculum design and implementation. Practices of teachers can go a long way to alleviating violence by encouraging respect for all. Appendixes contain a section of the California penal code, a House Bill on gang violence, and a sample school board policy. (SLD)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

MULTICULTURALISM AS A POLICY FOR DISARMING GANG VIOLENCE IN COMMUNITIES AT LARGE AND IN SCHOOLS

By Christine Clark, Ed.D. and Morris Jenkins, J.D., Ph.D.

ED 368 813

UD 029798

"PERMISSION TO REPRODUCE THIS MATERIAL IN OTHER THAN PAPER COPY HAS BEEN GRANTED BY

C Clark

Quins Jamond C C

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

X This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

BEST COPY AVAILABLE

MULTICULTURALISM AS A POLICY FOR DISARMING GANG VIOLENCE IN COMMUNITIES AT LARGE AND IN SCHOOLS

By Christine Clark, Ed.D. and Morris Jenkins, J.D., Ph.D.

Introduction

The complex and multifaceted entity of violence invades, violates, and destroys especially urban communities in increasing proportions in the 1990's. While policy-makers, law enforcement officials, and educators, among others, try to contend with the reality of violence in communities at large and in schools, their strategies for so doing converge around their collectively distancing themselves and their work from violence and its manifestations, in essence suppressing it. Even when violence prevention strategies have a lower fiscal bottom line and effect a substantially greater reduction in violence than suppression ones, suppression strategies are still championed.1

In attempting to understand why violence reduction has been and continues to be approached in this manner we must consider how the concept of violence has been constructed in society. For example, while gang-related violence accounts for less than 3% of all violent crime committed annually, because it is 95% of the violence the media reports, mainstream society has come to perceive it as the most threatening.2 As such, constituents have begged policy-makers to develop responses to protect them from this threat; responses that put their minds at ease (suppression), not solve the problem.

ED 029798

©Copyright by Clark & Jenkins 1993 All Rights Reserved Reprinted with Permission

The following discussion is aimed at solving the problem of violence, specifically gang violence, in communities at large and in schools. Hopefully, it will put some minds to good use as well as at ease.

Recent Strategies Used To Deal With Gangs

According to the recent study of youth gangs by Irving Spergel, there are five basic strategies that are used nationwide to deal with the "social problem" of youth gangs. These strategies are: community organization (or neighborhood mobilization); social intervention; social and economic (or opportunities) provision; organizational development and change; and suppression.3

According to Spergel, "community organization is the term used to describe efforts to bring about adjustment, development, or change among groups and organizations in regard to community problems and/or social needs."4 Efforts to mobilize individuals, groups, and institutions around the issue of gangs and their activities would fall within this category. An example of an organization that employs this strategy is the Massachusetts Adolescent Violence Prevention Project in Boston. This is a joint city (Department of Health and Hospitals) and state (Department of Public Health) initiative, funded by the federal government (Office of Maternal Childcare Health Bureau), to build a community-based coalition to deal with issues of adolescent violence.

Spergel describes social intervention as, "the systematic effort of an agency worker, through social work or treatment techniques within the neighborhood context, primarily to help a group of young people who are described as delinquent or partially delinquent to achieve a conventional adaptation."5 Recreational, entertainment, advocacy, and educational improvement programs would fall within this category. An example of an organization that employs this strategy is the Dorchester (Massachusetts) Youth Collaborative which offers "at risk" youth alternatives to the "action" on the streets.

The social and economic provision strategy focuses on providing jobs and job training. Here Spergel describes, "large scale resource infusions and efforts to change institutional structures including schools, job opportunities, political participation, and the development of a new relationship between the federal government and local neighborhoods in the solution, not only of delinquency but of poverty itself."6 An example of an organization that employs this strategy is the Massachusetts Career Development Institute in Springfield which offers both youth and adults vocational training in a variety of areas.

The organizational development and change strategy is where, according to Spergel, new procedures and mechanisms or adaptations are put in place by existing organizations and agencies to address the specific issue of youth gangs. An example of an organization which employs this strategy is the

Boston Police which has developed specific gang units within police departments.7

Spergel's final strategy is suppression, "a new strategy which appeared to emerge in the 1970's and 1980's, and is still dominant today."8 With this strategy, gang members are arrested, prosecuted, and removed for long prison sentences. And, since only players in the criminal justice system are active with respect to policies and legislation, the main vehicles used to effect suppression are substantive criminal law and criminal procedure.

Substantive Criminal Law

Substantive criminal law is the body of rules that defines what crime is.9 Over recent years, many states and municipalities have enacted bodies of laws that either directly or indirectly deal with gang membership and gang activity. The constitutionality of all of these laws has been questioned from time to time and their effectiveness in reducing gang violence has yet to be determined.10 Some examples of these laws will help to illustrate how they are at least intended to suppress gang violence.

In the Community at Large

Many jurisdictions, responding to studies which go as far as to suggest that a lack of parental responsibility causes gang activity, have either enacted or attempted to enact laws holding parents criminally responsible for the actions of their children.11 In doing this, the state hopes that there will be a reduction in both criminal activity and

the number of gangs. It is clear that, disproportionately, the female, often single, parent of the child engaged in the illegal activity is most often the parent held criminally responsible.12

Many jurisdictions have also imposed clothing restrictions upon youths in various settings, including public parks. These restrictions are an attempt to prohibit youth from wearing what is assumed to be gang-related clothing, further assuming that this will ease tensions between gangs, prevent gang violence, and make parks more conducive to recreation.13

Many jurisdictions have also enacted curfews and loitering ordinances to deal with gang activity, due to the fact that much of the violence thought to be gang-related occurs at night. Minors are usually the targets of these laws and they are usually only applicable in emergency situations.14

Many jurisdictions have also attempted to deal with gangs and their activities by focusing on the one agent that produces most of the violent deaths in our society, guns. Efforts here focus on reducing illegal access to and the availability of guns through the enactment or proposal of gun control ordinances and statutes or gun buy-back policies.15

And, a few jurisdictions have even enacted laws to deal directly with urban street gangs. The state of California has the Street Terrorism and Prevention Act16 that adds additional penalties for individuals convicted of acts that

are defined as gang activity, very similar to the Racketeering Influence and Corrupt Organizations acts (RICO), while other states have simply incorporated gang activity within RICO statutes.17

In Schools

Many schools, following the lead of their jurisdictions, have imposed clothing restrictions on students while in school or on school property. Here too, as in the community at large, these restrictions are an attempt to prohibit students from wearing what is assumed to be gang-related clothing, further assuming that this will ease tensions between gangs, prevent gang violence, and make schools more conducive to learning.18

In the Community at Large and In Schools

Many jurisdictions and schools, who view drug usage and distribution as the main type of gang activity, have teamed up to deal with this aspect of gangs. Together they champion the "drug-free school zone"19 law which imposes severe penalties on individuals convicted of distributing controlled substances in or within five hundred to fifteen hundred feet (depending on the jurisdiction) of schools and playgrounds, yet not within five hundred and one to fifteen hundred and one feet.20

Conclusions

All of these laws attempt to deal with the problems of gangs without making membership in a group illegal. However, the application of these laws through criminal procedure may

give society, especially youth, the perception that gang membership is illegal.

Criminal Procedure

Criminal procedure is broadly defined as the methods by which the criminal justice system function. The rules that guide the methods are applicable to all players within the criminal justice system.21 If any player, police, counsel, or judge, fails to follow the rules of procedure, a conviction of any individual may not occur.

Criminal procedure rules are in place to protect the public from abuse by agents of the states. One of the foundations of criminal procedure is the Fourth Amendment of the United States Constitution. This amendment says:

> The right of all people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particular describing the place to be searched, and the persons or things to be seized.22

Recently, many exceptions to the protections guaranteed by this amendment have been made under the rules of criminal procedure. These exceptions are used as tools by the criminal justice system in developing policies to deal with gangs.23 Some examples of these policies will help to illustrate how they are at least intended to suppress gang violence.

In the Community at Large

Starting in 1988, the Los Angeles Police Department has used non-arrest investigatory detentions or "sweeps" and

"stop and frisks" to combat gang activity.24 To many legal scholars and others, the policies upon which these practices are based are contrary to the intent of the Fourth Amendment. The government justifies this increased power of the police by stating that gangs are a major public safety issue and therefore the power is necessary to ensure the welfare of citizens in high crime areas. Other policies include the use of undercover agents and drug-sniffing dogs.25 There is even a proposed policy to suspend our most valued right under the Fourth Amendment by implementing a "no-knock warrant."26 Again the argument is that the need for public safety outweighs the right of privacy.

The expansion of prosecutorial power under the rules of evidence in many states is also used as a policy tool to deal with the issue of gangs. In the past, evidence of an accused's membership in an organization was considered inadmissible evidence because "membership in an organization does not lead reasonably to any inference as to the conduct of a member on a given occasion."27 Today however, there has been a move to allow evidence of gang membership and gang activity in court proceedings. One other proposed policy to expand prosecutorial power would allow a district attorney to work in the field with police to gather evidence of the gang membership and gang activity of individuals.28

There are also court policies designed to address gangs. One such policy is the use of pre-trial preventive detention of a juvenile if the court believes that there is a risk of

future criminality by that juvenile.29 Another proposed policy in this area advocates for the restructuring or abolishing of the juvenile court and the trying of all juveniles as adults.30 The power to try an individual juvenile as an adult has already been given to judges and in some cases to prosecutors as well.

One last proposed policy aimed as an assault on gangs and their activities focuses on the Miranda rights established by the United States Supreme Court and guaranteed by the Fifth Amendment.31 This policy, championed by many conservatives and strict constructionists, suggests that the abolition of Miranda rights would assist law enforcement's efforts to deal with criminality in general and, more specifically, gang violence.

In Schools

Policies to deal with gangs and juvenile delinquency in schools include the expansion of state powers to search lockers, to use metal detectors, as well as to conduct body and property searches of students on school grounds. They also include the use of undercover agents and drug-sniffing dogs as employed in the community at large.32

Conclusions

The use of all of these policies have led to many legal, moral, and political obstacles. In particular, there is a constitutional problem which revolves around the Fourth Amendment.33 While adults are generally afforded certain protections under this amendment from illegal searches and

seizures, one legal model proclaims that juveniles are persons-in-the-making and so are not entitled to full protection from certain searches and seizures by the state. According to this model, school administrators are not acting as state agents when searches occur but are acting in the place of parents or guardians to ensure the safety of "their" children. In contrast, a counter-model suggests that juveniles are rational persons and should be afforded the same rights and responsibilities as adults.34 The bottom-line question here for both the community at large and schools becomes: Should we as a society sacrifice freedom of expression, personal security, equal protection, and personal liberty for public (community at large and school) safety, or is there a viable alternative?

Equal Protection?

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws.35

The Fourteenth Amendment, more specifically this equal protection clause within the amendment, is the legal foundation that is used to ensure that the application of laws and policies does not adversely impact citizens because of ascribed status. This amendment guides both the substantive criminal law and the criminal procedure used by

the criminal justice system to apply the law. The original intent of this amendment was to heal the wounds that were caused by the enslavement of people of African descent and, more recently, the effects of all discriminatory, especially racist, practices of societal institutions.36

In order for a law to be valid, the words in it must be "prima facie," or on their face, race neutral. In other words, a law cannot be made to single out an individual for an arrest and subsequent prosecution solely because of the individual's race or ethnicity. The trend in the judiciary and society then is to employ a colorblind approach to the concept of equal protection.37 In essence, it is assumed that when a legislator drafts a bill, when a policy-maker implements a policy, and when a "street level bureaucrat"38 applies the policy, all of this can be done in a context devoid of racism.

Theoretically, if laws, more specifically criminal laws, are drafted under the colorblind paradigm, they could be perceived by society, either consciously or unconsciously, as a group of words protecting the interest of all citizens. However, many times these laws themselves as well as their application under the colorblind approach protect only the interest of a certain class of people, while adversely impacting another. Because the structure of our society, including the legal system, is historically grounded in racism (manifest both passively and actively), by employing the colorblind approach we are ignoring the issue of

institutional racism and the role it plays in all aspects of the law. Derrick Bell, in his book And We Are Not Saved: The Elusive Quest for Racial Justice, explains this dynamic through his fictional character, Geneva Crenshaw. Ms. Crenshaw says:

> Racism is not a group of bad white people whose discriminatory propensities can be controlled by well-written civil rights laws, vigorously enforced. We underestimate when we entirely ignore the fact that there is a deeply held belief in white superiority that serves as a key, regulative force in an otherwise fragile and dangerously divided society. Indeed, it is difficult to think of another characteristic of societal functioning that has retained its viability and its value to social stability from the very beginning of the American experience down to the present day. Slavery and segregation are gone, but most whites continue to expect society to recognize an unspoken but no less vested property right in their "whiteness."39

Therefore, one can logically assume that the laws are made by and, more importantly, for individuals who benefit from the fruits of institutional racism. (As a result, these laws may even contribute to the deviant behavior they are intended to stop.40) An example will help to illustrate this point.

The gang profile is one of the more popular tools used, both officially and unofficially, by law enforcement agencies in public and private settings to identify individuals who are gang members. The profile is based on the stereotypes of the physical appearances of urban gang members initiated by all societal institutions, including the social sciences, the law, and the media, within the context of institutional racism. And, more often than not, the stereotype is of a

young Black, Latino or Asian man. Many of the police manuals even use racial categories as an identifying characteristic in the gang profile.41

It is interesting to note that on the criminal law end of the spectrum, the trend is to move from a race neutral approach to a race conscious approach, while on the civil law end, especially with respect to affirmative action policies, the trend is to move from a race conscious approach to a race neutral approach as a remedy for the social problems that have been identified as causes of criminality42; the opposite of what is needed in both areas to eradicate institutionally entrenched racism and the ensuing deviant behavior. This attitude of the legal system towards its own institutional racism can best be placed in perspective by Supreme Court Justice Scalia:

> There [are] many white ethnic groups that came to this country in great numbers relatively late in its history--Italians, Jews, Irish, Poles--who not only took no part in, and derived no profit from, the major historic suppression of the currently acknowledged minority groups, but were, in fact, themselves the object of discrimination by the Anglo-Saxon majority. [To] be sure, in relatively recent years, some or all groups have been the beneficiaries of discrimination against blacks, or have themselves practiced discrimination. But to compare their debt--I must use this term since the concept of "restorative justice" [in affirmative action legislation] implies it; there is no creditor without a debtor--with that of those who plied the slave trade, and who maintained a formal caste system for many years thereafter, is to confuse a mountain with a molehill.43

So, which is it? Should an individual be punished for participation in a group or solely and directly for their

illegal activity? Are we, as a society, more fearful of the group or with its activities?

Even if we were to assume that the law was prima facie race neutral, any application of any anti-gang policy necessarily singles out individuals based on racial and ethnic characteristics since, by definition, gangs are composed of individuals from the same race and ethnicity, almost invariably young Black, Latino, or Asian men.44 Additionally, there is the perception that most individuals in our society have that gangs are so comprised.

The laws and policies used previous to anti-gang laws and policies can deal with the illegal activities that are allegedly carried out on both an individual and group basis by suspected gang members.45 The enactment of anti-gang statutes leads to the perception that such are only designed to deal with a specific racial or ethnic group. If this perception is accurate, this is a violation of the equal protection clause of the Fourteenth Amendment. Given this, it is not surprising that the corrections components of the criminal justice system in particular are "viewed as last resort methods of socialization for youth of dominant groups but as primary agencies of socialization for young persons from subordinate groups."46 Through the enactment and application anti-gang laws and policies, the placement of Young Men of Color into this socialization agent is only hastened.

Multiculturalism as a Policy

During the past twelve years, the perceived division between the races has become wider.47 This division became apparent after the Rodney King beating and the subsequent riots in Los Angeles. Gangs, their alleged illegal activities, and the institutional responses to both are but symptoms of the persistence and pervasiveness of racism in our society.48 The media's portrayal of gangs, the actions taken or lack thereof by both governmental and private agencies, and anti-gang laws and policies enacted by public cfficials have been catalysts for broadening the division between the races.49

We should not be surprised to find that institutional racism lies at the core of this social problem. It cannot only and in large measure explain why gangs form and may engage in certain activities, but is also with great certainty a determining factor in why particularly ineffective responses have be employed in attempts to tackle the problems posed by gangs.

Over the past thirty years, there have been attempts to remedy the divisions and, hence, conflicts between the races as well as many of the discriminatory practices of Whites in the political and legal arenas which have led to these conflicts.50 Despite well-intentioned policy and programming, both the perception and the reality of racism and the residual effects of both have negatively impacted upon Communities of Color. Blacks, Latinos/as, Asians, and

Native Americans have yet to benefit from the fruits of capitalist society in any significant way. Economically, politically, and socially, these groups have not realistically attained equality at any level.51 The voice of the oppressed and disadvantaged citizenry is either not being taken seriously or is being completely ignored by policy-makers.

In the past we looked solely to the federal government to remedy many social problems, including crime and racism. But, due to the dismantling of many governmental programs and a desensitization towards human and civil rights by the federal administration over the last twelve years, we began to look towards private foundations and state government to join in battle against racism and other discriminatory practices. Today we see that, due to general and pervasive ignorance concerning what is needed to whole-heartedly eradicate racism, we must look elsewhere still.

While the United States legal system is only able to take a reactive and suppressive stance against the activities of gangs or groups of juveniles that are deemed inappropriate or illegal, federal, state, and local governments can be proactive in responding to the causes of illegal activities. In fact, there are many laws and policies already in place which address the issues of both individual and institutional racism and much of the discriminatory behavior that reflects racism. Effective application of these laws and policies

will provide the impetus that all sectors of society need to become active in the quest for equality for all citizens.

While suppression is a strategy used to deal with gangs, it is certainly not the only one and perhaps the least effective. Any serious attempt to deal with gangs must be addressed by many institutions in and at various level of our society. And, while institutional racism is perhaps the most important issue involved in the formation of gangs and the activities we, as a society, deem inappropriate, it is not the only one. And yet, a comprehensive effort by this society to remedy the problem of institutional racism could have a significant impact not only on the illicit activities of gangs and other juveniles, but could, in turn, remedy other social problems.

Multicultural Community Policing

> Multiculturalism is the process of recognizing, respecting, and valuing cultures other than one's own, stressing and appreciation for the impact of difference, especially across races and ethnicities.52

The incorporation of the process of multiculturalism into the concept of community policing may assist in the reduction of all forms of violence in our society, inclusive of institutional racism, gangs, and crime.53 Multicultural community policing can only occur if there is a true understanding by both police and citizens of the cultures involved in their relationship to each other. In most cases this involves the monoculture (usually race and/or ethnicity) of the neighborhoods in a community and the monoculture

(police subculture54) of the officers. In both camps there exists a fear of the other that many times far outweighs the fear of criminality.

Under the concept of multicultural community policing the racial and ethnic composition of a police force must be reflective of the community it is assigned to protect and the attitudes of officers must further be reflective of the attitude of the community. The "policing powers" of the community are shared by its police force and the citizens within its neighborhoods. This concept not only improves community/police relations and reduces the fear of criminality, but also politically and socially empowers otherwise disenfranchised citizens, like those prone to join gangs.

But, this concept should not only be employed in Communities of Color for People of Color. On the contrary, it should also be employed in mixed as well as all White communities and for Whites to actively involve all communities and people in the process of multiculturalism.

In Schools

The concept of multicultural community policing should also be employed in schools. Many schools already have police or security officers on their premises. In those that do not various school personnel take on the responsibilities normally assigned to police and security officers on some level. To enhance these efforts, all the administrators, faculty, staff, students and parents, and police or security

officers of a school should be actively involved in both the development and implementation of a multicultural safety policy.

Multicultural Education

> Multicultural education is a process of comprehensive school reform and basic education for all students. It challenges and rejects racism and other forms of discrimination in schools and society and accepts and affirms the pluralism (ethnic, racial, linguistic, religious, economic, and gender, among others) that students, their communities and teachers represent. Multicultural education permeates the curriculum and instructional strategies used in schools, as well as the interactions among teachers, students, and parents, and the very way that schools conceptualize the nature of teaching and learning. Because it uses critical pedagogy as its underlying philosophy and focuses on knowledge, reflection, and action (praxis) as the basis for social change, multicultural education furthers the democratic principles of social justice.**55**

Of urban teenagers, not that unlike non-urban teenagers, some are actively involved in their education, others are relatively disinterested, and still others have dropped out of school completely. But somewhat more unlike non-urban teenagers, any or all may be influenced by gang activity. It is interesting then, that these same urban teenagers (in addition to their parents and teachers, the lawyers who defend or prosecute them for alleged criminal wrongdoing, the judges who sentence them if and when they are convicted of criminal wrongdoing, and the probation officers and therapists among others to whom they are assigned) are identifying the need for some form of multicultural education to address issues of violence, gang and otherwise, both as

they are manifest in the community at large and in schools and the connection between the two.[56]

In conducting interviews with a group of urban high school students, one researcher found that, "Most of the students contended that fights between students of different racial groups erupt outside of school because of a lack of knowledge about each other's culture. Hostilities are exacerbated by the lack of a school environment and curriculum that fosters understanding among students of various racial groups and academic classifications."[57] Elaborating on this theme one student stated his belief that, "'If you clean the school system to where it is more of a multicultural diversity in areas of learning, then the streets will start to clean up.'"[58] And, in an effort to respond to these issues of violence, "the students agreed to work together toward increasing communication and sensitivity between school staff and students and toward changing the school curriculum to reflect more religious and cultural diversity."[59]

In developing multicultural education as a tool for disarming violence, especially gang violence, a number of multiculturally oriented professional development initiatives are needed. The goal of these initiatives would be to better equip all school personnel in their interpersonal and curricula development and implementation endeavors to positively affirm all students.

Interpersonal Endeavors

Of critical importance is Jawanzaa Kunjufu's research on how mainstream (eurocentric) schools are destroying Black male students.60 In particular, Kunjufu identifies that Black male students are the most likely to be placed in special education programs while White female students are the least likely to be. Not coincidentally he reveals, White female teachers, who comprise the overwhelming majority of both public and private elementary and secondary school teachers, are the ones most likely to place Black males and, correspondingly, the ones least likely to place White females.

Kunjufu aptly concludes that the negative side of this dynamic is a function of cultural misunderstanding. The White female teachers are most different from their Black male students with respect to both race and gender culture and, to a lesser extent, socio-economic class background culture as well. They therefore experience the greatest difficulty in engaging them in learning because not only do they share different academic and behavioral expectations, but their expectations for how academic and behavioral guidelines will be communicated are also different. To complicate things further, teachers are often not consciously aware that they have these differences in expectations. On the other hand, the positive side of this dynamic is a function of cultural understanding. The White female teachers who are most similar to their White female students

with respect to race, gender, and socio-economic class background culture, experience the greatest ease in engaging them in learning. Not only do they share similar academic and behavioral expectations, but their expectations for how academic and behavioral guidelines will be communicated are also similar. Usually neither are conscious that they have similar expectations. Kunjufu goes on to suggest that, while Black female students, other Students of Color both male and female, and White male students are also negatively impacted by this dynamic to varying degrees, Black male students bear the brunt of the dynamic because of the combination of gender difference and racism. That is, not only are they male where the teachers are female, they are also furthest in color from that of the teachers.

Quite clearly then, White female teachers need professional development initiatives to better prepare them to affirm male students and Students of Color, especially Black male students. More generally however, all school personnel need professional development initiatives to help them acquire basic, intermediate, and advanced multicultural awareness, then knowledge, and finally profound understanding.[61]

Such initiatives must necessarily include opportunities for personnel to develop cross-cultural interaction competencies.[62] For example, there must be the opportunity for a White male teacher to come to understand that when a Latina student looks down at the ground when he is chastising

her behavior, she might actually be showing him respect, not disrespect, from her cultural perspective.

Such initiatives must also include opportunities for personnel to develop cross-culturally appropriate intervention strategies.63 For example, a Black male counselor working with an Asian female student, must come to understand many things about her race and gender cultures before determining the best strategy with which to approach her (which ultimately may not directly involve him) about why she has not yet, in the first semester of her senior year, signed up for the mandatory sex education class.

Such initiatives must also include opportunities for personnel to more consciously learn about their own cultures.64 In this way they may come to recognize aspects of their cultures that they disaffirm for survival (by force), inadvertently (unconsciously), or by choice (to "pass"), as well as aspects of their cultures that they take for "normal" or "just the way things are" rather than understanding them as culturally entrenched. For example, a woman may come to realize that having worn dark colored, conservatively styled business suits to conform to the White male administrative culture in the school in which she has worked for ten years has been negatively impacting her ability to feel positive about expressing aspects of the culture of her gender and/or race both in and outside of work. Or perhaps the school administration might come to

recognize that their culture is in fact White and male and not "just the way things are."

Curricula Development Endeavors

Other professional development initiatives speak more directly to all faculty. In particular, faculty need opportunities to learn how to develop multiculturally oriented curricula content in all grade levels and all disciplines.65

Professional development initiatives in this area must focus faculty on revising monocultural curricula content to include the representation of those traditionally under or unrepresented in it as well as on innovating altogether new curricula that, from its inception, is already multiculturally inclusive. There are four parameters which guide both the revision and innovation processes.66 The first parameter focuses on oppression, the second on lives, cultures, and countries of origin, the third on contributions and works, and the fourth on designers and implementers. With respect to all four of these parameters, it is important to note that changes made in curricula content must be comprehensive. To get students to understand a mathematical concept we do not give them one example and expect them to have grasped it; on the contrary we give them several examples. This is because just as with tokenism in employment, tokenism in curricula does not work. For students to truly grasp the concept of multiculturalism they must be presented with a multiplicity of examples of it that

are well integrated into all the curricula they are exposed to throughout their educational career.

Within the first parameter, the experiences of oppression of the traditionally underrepresented are emphasized, like the enslavement of Africans by Europeans. But, while it is very important to detail histories of oppression, it is equally important to detail information about the lives, cultures, and countries of origin of those oppressed. This second parameter is particularly critical because to detail only a peoples' oppression leaves them at the level of victim or object, lacking authorship, agency, or subjectivity in their own lives. Understanding the everyday life, cultural traditions, and economic, social, political, and geographic conditions of existence, among others, of a people gives them this authorship, agency, and subjectivity. But, this understanding must not be superficial. That is, it must not illustrate other peoples as exotic, fantastic or peculiar; rather it must illustrate them as "regular people." Their day-to-day existence, practices, and environment must be presented as as normal to them as ours are to us.

Within the third parameter, the contributions that underrepresented peoples have made to our everyday lives, to our academic disciplines, and to our professional world (as well as those they have made to that of others), that we take for granted and that we know nothing of, must be articulated. This includes their theories, inventions, equations and the like. And too, we must teach their works; their textbooks,

novels, poetry, films, music, art and so on. But, in accordance with the fourth parameter, it should not be only "us" or members of overrepresented peoples who teach about the underrepresented with respect to any or all of the first three parameters. Underrepresented peoples should likewise be designing and implementing curricula about themselves as well as everything else.

Often there are only members of overrepresented groups present to design and implement such curricula. In addition, it should not be assumed that a member of an underrepresented group will necessarily design and implement such curricula for any number of reasons ranging from them not possessing the knowledge to do so (just because they are a member of an underrepresented group does not automatically make them a multicultural curriculum development expert), to their not wanting to call attention to themselves, to them not being supportive of such, and so on. What is most important is that the designing and implementing of multicultural curricula is being done by someone genuinely supportive of and knowledgeable about multicultural education. In some circumstances however, it is necessary for this to be done only and always by a person from an underrepresented group. It can be inappropriate and largely impossible for a member of an overrepresented group to attempt to educate members of an underrepresented group about aspects of their history that, because of their experience as a member of an overrepresented group, they cannot fully understand. But, in

other circumstances it is necessary for this to be done, at least initially, only by a member of an overrepresented group. It would be wholly unlikely to even find a Person of Color in an exceptionally racist school district. Ideally, this should be being done by members of under and overrepresented groups together.

In the final analysis, to be the most successful in revolutionizing curricula content in this and other manners, we especially need genuinely multiculturally supportive White male role models.[67] Because of their power and conditioned by it, many will follow their lead in this endeavor who will not follow the same lead championed by the underrepresented. This is a function of the fact that White men are perceived to support any initiative for the "objective" good it will do all people, whereas the underrepresented are seen as supporting only those initiatives that will promote their own "agenda."[68]

Multicultural curricula content must additionally include life skills preparation, discussion of current events, particularly those directly effecting the lives of the students, more extensive drug and alcohol education, violence prevention, conflict resolution, and mediation training, and instruction in the psychology of self.[69] It must also include the same kinds of initiatives previously suggested for all school personnel but geared for students. That is, initiatives designed for students to acquire basic, intermediate, and advanced multicultural awareness, then

knowledge, and finally profound understanding.70 This could be accomplished through the development of cross-cultural interaction competency, a repertoire of cross-culturally appropriate intervention strategies, and increased consciousness of one's own cultural memberships and the impact of these memberships on, in particular, interpersonal interaction and task and goal orientation.

Additionally, since much of the tension delineated between teachers and students seems to be race and gender based, if White female teachers are being required to learn how to positively affirm all Students of Color and White male students, but especially Black male students, then multiculturally oriented curricula content for all students, but especially male students must likewise require that they learn to respect their female teachers including their authority.71 Since violence against women is so condoned in our society, merely replacing female teachers with male teachers would only perpetuate the notion that male authority is the only valid authority and further confirm to both male and female students that violence against women is acceptable.72 Instead, students must be taught to condemn violence against women, respect them, and accept their authority as valid. But, as discussed above, women cannot teach this by themselves, and so the presence of men and their assistance in this endeavor is also required.73

All students must learn, from nursery school to the completion of doctoral degrees, the value of the

participation of all peoples in the creation/evolution of our world. They must also learn that they are as important as anyone else but no more important than anyone else. With this information foremost in their minds, the way they come to view and interact with others will be positively transformed.

Curricula Implementation Endeavors

Once faculty have developed multicultural curricula content they will need to implement it. Having gone the distance to develop this state-of-the-art curricula content they cannot revert to monocultural strategies to implement it and expect to achieve its full effectiveness. Here they need professional development opportunities aimed at helping them acquire a repertoire of strategies to implement their multiculturally oriented curricula content.

Professional development initiatives in this area must focus faculty on developing ways to provide students with a vast array of alternatives to the traditional didactic pedagogy to address differences in their learning styles. There are ten parameters which guide this acquisition process. The first four parameters focus on teaching philosophy, the organization of the learning environment, the assessment of student needs, and the use of organizational tools. The other six parameters focus on varying the instructional materials and their use, the instructional model, the instructional strategies, the learning activities,

and the methods by which student learning and teaching effectiveness are assessed.

First and in accordance with Paulo Freire's research, teachers must give up the notion of teaching as mastery.74 While teacher education often trains one to think of oneself as a master of one's discipline, this education is in large measure monocultural. Given this, at best a teacher could only be a monocultural master of their discipline, highly skilled at imparting knowledge about their academic specialty from a largely eurocentric perspective. Even someone who was highly multiculturally competent in their discipline could not really be considered a multicultural master of it because so much multicultural information in every discipline has historically been obscured that what we have begun to uncover today is likely but a fraction of what there is to know. As our classrooms become increasingly diverse, we must confront the reality that our students will undoubtedly have more knowledge about particular subjects than we do simply because of their different life experiences, although we should not assume that they do just because of these life experiences.

Given all this, it makes more sense to think of ourselves as facilitators of the process of learning and actively involve students in this process. To do this we must begin by asking students what they already know about a particular subject to make sure that the information they are exposed to is new and at a level that challenges them, and also to demonstrate to them that they already have knowledge

about many things of which they may be unaware. We must also ask them what they want to learn about the subject.75

With this mindset and information in hand, we can engage students in a dialogue by posing questions to them that cause them to think critically, relative to knowledge that they already possess, in order to arrive at answers to the questions about this new body of information.76 In this way we no longer look upon students and they no longer see themselves as empty receptacles into which we make deposits of information, but rather as critical agents in their own education.77

Second, teachers must be attentive to the impact of the physical and aesthetic organization of the immediate learning environment on learning. For example, is the classroom clean and neat? Should the chairs be set up in rows or in a circle to best facilitate the learning of the day's lesson? Do the pictures on the wall and the resources in the classroom affirm the representation of all the students in the class as well as those they may meet in the world beyond it?78

Third, teachers must vary the methods by which they assess student needs. For example, they can alternate the use of written assessment tests, computerized assessment tests, student oral or written self assessment with peers, teachers, or parents, and teacher observation.79

Fourth, teachers must use organizational tools. For example, they can use a "weekly format" that is consistent: every Monday review reading assignments, every Wednesday have

a class discussion, and so on. They can use a "daily format," by beginning each class collecting homework, then introducing new information, and so on. They can use "motivators" to get the immediate attention of students at the beginning of a class, such as wearing a top hat to class the day they discuss the fashion of a particular historical period. Similarly, they can use "closers" to signal the end of class, like a review of important lecture points. In addition to the syllabus, they can provide students with a class agenda for each class so that students will know what is going to happen that day. They can also use handouts to help students structure lecture notes or which define key concepts or technical vocabulary with which they may be unfamiliar.[80]

Fifth, teachers must use an array of instructional materials. These can include traditional texts, books, newspapers, journals, audiotapes, workbooks, games, magazines, plays, and videotapes.[81]

Sixth, teachers must vary the use of instructional materials. For example, they can use texts that have multiculturally representative pictures, names, situations and language, or traditional (monocultural) texts and encourage students to think critically about, dissect, question what is being presented, or not use texts at all and use a variety of other resources instead, or use all of these in combination.[82]

Seventh, teachers must vary the instructional model. For example, they can use a thematic approach in which students are encouraged to look for recurrent trends in United States history. They can also use an interdisciplinary approach to teach philosophy in which students are encouraged to understand how the economic situation, political climate, geographic location, and cultural traditions of a people or an era influenced the development of a particular branch of philosophic discourse. Or, they can use an immersion approach to teach humanities in which students are encouraged to eat the food of a particular civilization, attire themselves in their fashion, listen to their music, copy their art, and so on.[83]

Eighth, teachers must vary their instructional strategies. For example, they can have students engage in whole class discussions, small group work, partner work, individual work, one-on-one work with the teacher, peer teaching and learning, student teaching of the whole class, and debate.[84]

Ninth, teachers must vary the learning activities. For example, they can have students engage in assignments that require them to develop and employ in varied measure affective, cognitive, and motor skills through reading, writing, speaking, listening, and problem-solving initiatives.[85]

Tenth, teachers must vary the methods by which they evaluate student learning and, hence, teaching effectiveness.

For example, they can vary the use of multiple choice tests, essay tests, short answer tests, take home tests, oral tests, term papers, and creative projects.86

Students should be engaged in self evaluation of their academic performance and effort. When involved in this way, students are amazingly honest about what they think their grade should be and are less inclined to express animosity to a teacher for giving them a grade they do not like because they had a hand in determining it and therefore know what it is before it comes in the mail.87

And, students should also be involved in the evaluation of the course content, the instructional materials, and the teaching of it, as well as in making recommendations for improving it the next time it is taught. In this way they become more invested in learning because they have helped to determine what and how they learned while simultaneously becoming better at learning as they become more aware of their learning style and of how to prepare differently for evaluation in different subject areas and by different methods. This also has the effect of improving the quality of instruction because student feedback lets the teacher know directly what did and did not work. In so doing it encourages teachers to continually revise and refine the teaching of a subject they teach, making it and them ever-fresh in the process and perpetuating the dialectical and reciprocal nature of teaching and learning.88

Learning must also be made more active, interactive, and experiential. This is confirmed by Kunjufu's research in which he found that most male students regardless of race, but especially most Black male students, learn best when learning activities are shifted every twenty minutes.89 So, for example, the first twenty minutes of a class might be a short film, followed by twenty minutes of discussion, and then perhaps a twenty minute writing assignment summarizing the film and pertinent discussion points.

Certainly, Kunjufu points out, while this organization may most favor the learning style of most Black male students, all students will benefit from exposure to it in some ways. There are two fundamental reasons why multicultural education focuses, in particular, on varying methods of implementing curricula content rather than trying to teach a particular way to particular groups of students. The first reason is because not all students in a particular group learn the way their group is said to learn. The second reason is because all students benefit from exposure to multifaceted approaches as such challenge them to broaden their repertoire for learning in some ways while affirming their preferred learning style in others.

Researchers at the University of California at Berkeley also point to the importance of creating a learning interest "culture" to facilitate students in broadening their repertoire for learning at the same time effecting positive cross-cultural interaction between students.90 In a series

of studies these researchers found that White students normally associate with other White students who are performing at the same academic level regardless of learning interest. Here peer associations were founded on similarities in race and academic performance. A low achieving White student in biology would tend to associate with a low achieving White student in English, while a high achieving White student in physics would tend to recreate with a high achieving White student in history. On the other hand, they found that Students of Color normally associate with other Students of Color (and most often those from their own racial and ethnic group) regardless of academic level or learning interest. Here, peer associations were founded essentially on similarities in race and ethnicity only. A low achieving African American student in philosophy would tend to associate with a moderate achieving African American student in chemistry and a high achieving African American student in art.

In creating a learning interest "culture," through the development and implementation of "workshops" where an individual student's evaluation is based on the collective performance of their workshop group members, students come to associate with other students with the same learning interests as themselves regardless of race or academic performance. This has had the overall effect of enhancing the academic performance of all the students across the learning interest, encouraging the development of cross-

cultural relationships and peer teaching, and ultimately broadening the repertoire for learning of all involved. Not surprisingly, this initiative has also had the effect of reducing racial tensions on the school, college, and university campuses where it is employed.91

It is important to note that Kunjufu, while supportive of multicultural education, is more supportive of African American malecentric education and afrocentric or Africancentric education, not for all students like eurocentric education has been applied, but for Black male students and all Black students, respectively.92 And here Kunjufu is not alone as Latino/acentric, specifically Puerto Rican and Mexican American or Chicana/o, educational models and schools have as well been championed.93 These initiatives, some of which are branches of and others precursors to multicultural education, have developed in direct response to mainstream (eurocentric) schools' resistance to dealing with issues of diversity, especially to developing and implementing multicultural curricula.

Although it may be wonderful to talk about the pluralistic process of building multicultural schools and to participate in it, the stark reality is that these schools are needed now. This is because there have already been too many casualties, students lost because they were "educated" by the "methods employed by the oppressor [which] deny pedagogical action in the liberation process."94 There are more of these casualties waiting to happen. And yet, we must

still champion multicultural education over all forms of centrism because reminiscent of the Booker T. Washington/ W. E. B. Du Bois debate we know that separate, whether by imposition or choice, never means equal.95

Conclusions

Gang criminality is a limited percentage of total criminality nationwide and is a limited portion of the activity of the groups that are classified as a gang.96 Much of these groups' other behavior could be deemed legal. In fact, the organizational structure of a large number of these groups, mirrors the structure of many of our legitimate capitalist businesses.97 Indeed, if one looks at gangs involved in drug activity, one could say, not withstanding the ethical and moral issues, that in this endeavor they are among the few in business that remain true to the concept of laissez-faire.

When one reads about or discusses the issues of gangs, the phrase "social problem" and the word "crime" usually surface. Academic studies' popular portrayals of gangs seldom focus on their positive side. While some of their activities are criminal, at times even heinous (but the system has always had policies in place to deal with deviant behavior), their structure, behavior, and characteristics are not much different from those of other societal organizations.

According to some scholars, communities go through a stage of denial about the existence of gangs within their borders.98 Denial may also occur with reference to the issue of racism. Recognition and acceptance of the problems of gang violence and institutional racism and the connection between the two must occur and every citizen and institution must participate in their solution.

All forms of violence are on the rise in society as a whole, in communities at large, and in schools. As a result, especially students, parents, and educators but also the general population, business, and government must actively and collectively pursue extremely broad-based multicultural approaches to disarm this violence.

NOTES

1. S. Baldauf, "Prison Education Rankles Critics," The Christian Science Monitor (13 October 1992), 12.

2. These statistics vary depending on the source and the geographic area considered. Our statistics are based on a national average extracted from data compiled by the American Sociological Society. See American Sociological Society, "National Trends in Violent Crime," Reprint (Washington, D.C.: Economic Research, Inc., 1993).

3. I. Spergel, "Youth Gangs: Problem and Response," Reprint (Chicago: University of Chicago, The School of Social Service Administration for the Office of Juvenile Justice and Delinquency Prevention, United States Department of Justice, 1990).

4. Ibid., p. 119.

5. Ibid.

6. Ibid.

7. Ibid.

8. Ibid.

9. H. C. Daudistel et al, Criminal Justice: Situations and Decisions (New York: Holt, Reinhart & Winston, 1979).

10. T. Weinstein, "Visiting the Sins of the Child on the Parent: The Legality of Criminal Parental Liability Statutes," Southern California Law Review, 64 (1991), 859. See also K. J. Parsley, "Constitutional Limitations on State Powers to hold Parents Criminally Liable for the Delinquent Acts of their Children," Vanderbilt Law Review, 44 (1991), 441.

11. Ibid.

12. There have only been approximately ten cases nationwide and in all ten the charges were dropped.

13. P. Murphy, "Restricting Gang Clothing in Public Schools: Does a Dress Code Violate a Student's Right of Free Expression?," Southern California Law Review, 64 (1991), 1321. See also S. Burrell, "Dress Codes and the Schoolhouse Door," The Recorder (12 February 1992), 8.

14. D. R. Veilleux, "Validity, Construction, and Effect of Juvenile Curfew," Fourth Annotated Law Review, 83 (1991), 1056.

15. M. Kauffman, "Many Say Buy-Back of Guns Worth a Try," The Hartford Courant (6 May 1992), D1.

16. In fact, policies have been enacted by public school boards to eliminate gangs. See APPENDIX C.

17. See APPENDIX B.

18. See supra note 13.

19. F. M. Padilla, The Gang as an American Enterprise (New Brunswick: Rutgers University Press, 1992).

20. When these zones are established, drug-related activity merely moves to the outside edge of the zone if at all. The problem is not eliminated, only relocated.

21. See supra note 10.

22. Amendment IV, United States Constitution.

23. D. R. Shultz, "The Right to be Let Alone: Fourth Amendment Rights and Gang Violence," Western State University Law Review, 16 (1989), 725.

24. Ibid.

25. "Crackdown on Gang Crimes Near Schools Proposed: Lawmakers Have Unveiled a Plan to curb Street Gang Crimes Particularly on School Grounds," United Press International (27 January 1985), A1.

26. D. B. Allegro, "Police Tactics, Drug Trafficking, and Gang Violence: Why the No-Knock Warrant is an Idea Whose Time Has Come," Notre Dame Law Review, 64 (1989), 552.

27. J. E. Theuman, "Admissibility of Evidence of Accused's Membership in Gang," Fourth Annotated Law Review, 39 (1991), 775. See also S. Burrell, "Gang Evidence: Issues for Criminal Defense," Santa Clara Law Review, 30 (1990), 739.

28. W. A. Williams, "The Case for Proactive Prosecution," Criminal Justice Journal, 13 (1992), 389.

29. C. E. Frazier and D. M. Bishop, "The Pretrial Detention of Juveniles and Its Impact on Case Dispositions," Journal of Criminal Law, 76 (1985), 1132.

30. J. E. Ainsworth, "Re-Imagining Childhood and Reconstructing the Legal Order: The Case for Abolishing the Juvenile Court," North Carolina Law Review, 69 (1991), 1083. See also R. O. Dawson, "Future Trends in Criminal Procedure: The Future of Juvenile Justice; Is it Time to abolish the System?," Journal of Criminal Law & Criminology, 81 (1990), 136.

31. J. Agronsky, "Meese V. Miranda: The Final Countdown," American Bar Association Journal, 73 (1987), 86.

32. See supra note 25.

33. See supra note 22.

34. While this model supports the trying of juveniles as adults position, it favors the maintenance of laws and policies that are only applicable to juveniles.

35. Amendment XIV, United States Constitution.

36. T. A. Aleinifoff, "The Constitution in Context: The Continuing Significance of Racism," University of Colorado Law Review, 63 (1992), 325. See also M. S. Sheffer, "Did the Framers Intend Their Intentions?: Civil Rights, the Fourteenth Amendment, and the Election of 1866," Capital University Law Review, 12 (1982), 45.

37. R. Fallon and P. Weiler, "Firefighters v. Stotts: Conflicting Models of Racial Justice," Supreme Court Review, (1984), ?.

38. Street level bureaucrat is a term coined by Michael Lipsky. It defines the "true" policy-makers as the individuals who work face-to-face with clients. According to Lipsky, due to the discretionary powers afforded these workers, it is they who actually make the policies. See M. Lipsky, Street-Level Bureaucracy: Dilemmas of the Individual in Public Services (New York: Russell Sage Foundation, 1980).

39. D. Bell, And We Are Not Saved: The Elusive Quest for Racial Justice (New York: Basic Books, Inc., 1987).

40. G. T. Marx, "Ironies of Social Control: Authorities as Contributors to Deviance through Escalation, Nonenforcement, and Covert Facilitation," Social Problems, 28 (1981), 221.

41. For discussion on the various racial and ethnic gang profiles see M. M. Russell, "Entering Great America: Reflections on Race and the Convergence of Progressive Legal Theory and Practice," Hastings Law Journal, 43 (1992), 749 at 759.

42. The trend of the courts and the subsequent Civil Rights Act sends the message of racism as usual. See R. Belton, "The Civil Rights Act of 1991: The Future of Affirmative Action; A Preliminary Assessment," Depaul Law Review, 41 (1992), 1085. Justice Marshal, in one of his final dissenting opinions, states, "this nation's battle against pernicious racial discrimination or its effects is nowhere near won." p. 1114.

43. A. Freeman, "Antidiscrimination Law: The View from 1989," In The Politics of Law: A Progressive Critique, ed. D. Kairys (New York: Pantheon Books, 1990), p. 137.

44. We ran the words "gang" and "violence" in the LEXIS/NEXIS database paper file. Most of the articles we found detailed situations in the inner-city. Those that detailed situations in suburban settings referred to Young Men or Women of Color. Given this, it is particularly interesting to note that a recent youth homicide (in suburban Dartmouth, Massachusetts) was described as a "clique-related killing." The perpetrators of the crime were members of a "clique" referred to as the "skaters" or "burners" and had Neo-Nazi affiliations, while the victim of the crime was a member of a "clique" referred to as the "wiggers" or "White niggers" because they were known to emulate Blacks. While this was as much a gang-related homicide as any that occur in the inner-city or which involve Youth of Color in the suburbs, the administrators of the school that both the perpetrators and the victim attended stated that this incident was not gang-related even though it might appear to have been. See S. Koch and M. Caruso, "No Remorse: Alleged Teen Killer Idolized Cult Boss," The Boston Herald (14 April 1993), A1; I. Spergel et al, "A Survey of Youth Gang Problems and Programs in Forty-Five Cities and Six Sites," Reprint (Chicago: University of Chicago, The School of Social Service Administration for the Office of Juvenile Justice and Delinquency Prevention, United States Department of Justice, 1989).

45. Laws are currently on statutes dealing with accomplices and accessories.

46. D. F. Hawkins and N. E. Jones, "Black Adolescents and the Criminal Justice System," Reprint (Boston: Urban League, n.d.), p. 416.

47. A. Pinkney, The Myth of Black Progress (New York: Cambridge University Press, 1984).

48. Racism is one of the top fifteen "American" values. See R. Williams, American Society (New York: Knopf, 1970); J. P. Dean and E. A. Suchman, Strangers Next Door: Ethnic Relations in American Communities (Englewood Cliffs: Prentiss-Hall, 1964).

49. M. E. Cronin, "Struggling Against Gang Label: Some Eastside Parents Question Police Tactics Toward Minority Teens," The Seattle Times (17 July 1991), B1.

50. Including the Civil Rights Bill, affirmative action policies, and other types of political pressure.

51. A. Hacker, Two Nations, Black and White, Separate, Hostile, and Unequal (New York: Charles Scribner's Sons, 1992).

52. We are indebted to Dr. George Smith, Dean of Non-Traditional Services at Quinsigamond Community College in Worcester, Massachusetts for this definition.

53. R. Trojanowicz and B. Bucqueroux, Community Policing: A Contemporary Perspective (Cincinnati: Anderson Publishing Co., 1990).

54. B. L. Berg, Law Enforcement: An Introduction to Police in Society (Boston: Allyn & Bacon, 1992).

55. S. Nieto, Affirming Diversity: The Sociopolitical Context of Multicultural Education (New York: Longman, 1992), p. 208.

56. M. Jenkins, Black Urban Street Groups and Institutional Racism: Weed and Seed, But Did Law Enforcement Add Too Much Fertilizer?, Dissertation (Boston: Northeastern University, 1993).

57. W. Wiley, "Students Raise Concerns in Fight Against Weapons," Telegram & Gazette (16 December 1991), A3.

58. Ibid.

59. Ibid.

60. J. Kunjufu, Countering the Conspiracy to Destroy Black Boys, Volume I (Chicago: African American Publishing Company, 1983).

61. C. Clark, Multicultural Education as a Tool for Disarming Violence, Dissertation (Amherst: University of Massachusetts, 1993).

62. Ibid.

63. Ibid.

64. Ibid.

65. Ibid.

66. Ibid.

67. From comments made by Dr. Beverly Tatum at the Massachusetts Teacher's Association (MTA) Conference on Civil and Human Rights in Marlborough, Massachusetts, January 9, 1993.

68. K. Marx, The Economic and Philosophic Manuscripts of 1844 (New York: International Publishers, 1964).

69. See supra note 61.

70. Ibid.

71. Ibid.

72. Necessities/Necesidades, "Violence Against Women In Education," Reprint (Northampton, MA: Massachusetts Battered Women's Coalition, 1985).

73. See supra note 61.

74. P. Freire, Pedagogy of the Oppressed (New York: Continuum Publishing Company, 1970).

75. Ibid.

76. Ibid.

77. Ibid.

78. See supra note 61.

79. Ibid.

80. Ibid.

81. Ibid.

82. Ibid.

83. Ibid.

84. Ibid.

85. Ibid.

86. Ibid.

87. Ibid.

88. See supra note 74.

89. See supra note 60.

90. R. Asera, "The Mathematics Workshop: A Description," Reprint (Berkeley: Professional Development Program, University of California, 1988).

91. Ibid.

92. See supra note 60.

93. See H. Giroux, Theory and Resistance in Education: A Pedagogy for the Opposition (South Hadley, MA: Bergin & Garvey Publishers, Inc., 1983); C. Lucas, Foundations of Education: Schooling and Social Order (New Jersey: Prentiss-Hall, 1984); C. Walsh, Pedagogy and the Struggle for Voice: Issues of Language, Power, and Schooling for Puerto Ricans (New York: Bergin & Garvey Publishers, Inc., 1991).

94. See supra note 74.

95. From comments made by John Bracey, Professor of African American Studies at the University of Massachusetts at Amherst, at Christine Clark's Comprehensive Evaluation, July 9, 1992.

96. See APPENDIX A.

97. M. S. Jankowski, Islands in the Street: Gangs and American Urban Society (Berkeley: University of California Press, 1991). See also, C. S. Taylor, Dangerous Society (East Lansing, MI: State University Press, 1990).

98. C. R. Huff, "Denial, Overreaction, and Misidentification: The Postscript on Public Policy," in Gangs in America (Newbury Park, CA: Sage Publications, 1990).

APPENDIX A

PENAL CODE
PART 1. Crimes and Punishments
TITLE 7. Crimes Against Public Justice
CHAPTER 11. Street Terrorism Enforcement and Prevention Act
Cal Pen Code @ 186.22 (1992)

@ 186.22. (Second of two; Operative January 1, 1993; Operative until January 1, 1997) Participation in criminal street gang; "Pattern of criminal gang activity"; " Criminal street gang"

(a) Any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, and who willfully promotes, furthers, or assists in any felonious criminal conduct by members of that gang, shall be punished by imprisonment in the county jail for a period not to exceed one year, or by imprisonment in the state prison for one, two, or three years.

(b)
(1) Except as provided in paragraph (2), any person who is convicted of a felony which is committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall, upon conviction of that felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony of which he or she has been convicted, be punished by an additional term of one, two, or three years at the court's discretion. However, if the underlying felony is committed on the grounds of, or within 1,000 feet of, a public or private elementary, vocational, junior high, or high school, during hours in which the facility is open for classes or school related programs or when minors are using the facility, the additional term shall be two, three, or four years, at the court's discretion. The court shall order the imposition of the middle term of the sentence enhancement, unless there are circumstances in aggravation or mitigation. The court shall state the reasons for its choice of sentence enhancements on the record at the time of the sentencing.

(2) Any person who violates this subdivision in the commission of a felony punishable by imprisonment in the state prison for life, shall not be paroled until a minimum of 15 calendar years have been served.

(c) Any person who is convicted of a public offense punishable as a felony or a misdemeanor, which is committed for the benefit of, at the direction of, or in association with, any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished

by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison for one, two, or three years, provided that any person sentenced to imprisonment in the county jail shall be imprisoned for a period not to exceed one year, but not less than 180 days, and shall not be eligible for release upon completion of sentence, parole, or any other basis, he or she has served 180 days. If the court grants probation or suspends the execution of sentence imposed upon the defendant, it shall require as a condition thereof that the defendant serve 180 days in the county jail.

(d) Notwithstanding any other provision of law, the court may strike the additional punishment for the enhancements provided in this section or refuse to impose the minimum jail sentence for misdemeanors in an unusual case where the interests of justice would best be served, if the court specifies on the record and enters into the minutes the circumstances indicating that the interests of justice would best be served by that disposition.

(e) As used in this chapter, "pattern of criminal gang activity" means the commission, attempted commission, or solicitation of two or more of the following offenses, provided at least one of those offenses occurred after the effective date of this chapter and the last of those offenses occurred within three years after a prior offense, and the offenses are committed on separate occasions, or by two or more persons:

(1) Assault with a deadly weapon or by means of force likely to produce great bodily injury, as defined in Section 245.

(2) Robbery, as defined in Chapter 4 (commencing with Section 211) of Title 8 of Part 1.

(3) Unlawful homicide or manslaughter, as defined in Chapter 1 (commencing with Section 187) of Title 8 of Part 1.

(4) The sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled substances as defined in Sections 11054, 11055, 11056, 11057, and 11058 of the Health and Safety Code.

(5) Shooting at an inhabited dwelling or occupied motor vehicle, as defined in Section 246.

(6) Arson, as defined in Chapter 1 (commencing with Section 450) of Title 13.

(7) The intimidation of witnesses and victims, as defined in Section 136.1.

(f) As used in this chapter, " criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts

enumerated in paragraphs (1) to (7), inclusive, of subdivision (e), which has a common name or common identifying sign or symbol, whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

(g) This section shall become operative on January 1, 1993.

(h) This section shall remain in effect only until January 1, 1997, and on that date is repealed, unless a later enacted statute which is enacted before January 1, 1997, deletes or extends that date.

APPENDIX B

HOUSE BILL 1084

1991 IN H.B. 1084

DATE-INTRO: JANUARY 7, 1991

LAST-ACTION: MAY 12, 1991

SYNOPSIS: Prohibits membership or participation in criminal gangs that require as a condition of membership the promotion, participation in, or commission of a felony or battery. Makes it a Class D felony to knowingly or intentionally actively participate in a criminal gang. Amends the **Racketeer Influenced and Corrupt Organizations (RICO)** law to expand the definition of "racketeering activity" to include the: (1)commission; (2) conspiracy to commit; or (3)aiding and abetting in the commission of gang activity. More

STATUS:
01/02/91 PREFILED.
01/07/91 INTRODUCED. To HOUSE Committee on COURTS AND CRIMINAL CODE.
01/31/91 From HOUSE Committee on COURTS AND CRIMINAL CODE: Do pass as amended.
02/11/91 Passed HOUSE. *****To SENATE.
03/07/91 To SENATE Committee on JUDICIARY.
03/28/91 From SENATE Committee on JUDICIARY: Do pass as amended.
04/04/91 Passed SENATE. *****To HOUSE for concurrence.
04/16/91 HOUSE refused to concur in SENATE amendments. *****To CONFERENCE
Committee.
04/26/91 CONFERENCE Committee Report adopted by HOUSE.
04/26/91 CONFERENCE Committee Report adopted by SENATE.
05/12/91 *****To GOVERNOR. **Signed by GOVERNOR.**

APPENDIX C

Policy of the Board of Education of School District No. 228, Cook County, Illinois Prohibiting Gangs and Gang Activities (Adopted on 4-24-84) This Board of Eduction feels that the presence of gangs and gang activities can cause a substantial disruption of or material interferences with school and school activities. A "gang" as defined in this policy is any group of two or more persons whose purposes include the commission of illegal acts. By this policy, the Board of Education acts to prohibit existence of gangs and gang activities as follows:

No student on or about school property or at any school activity:

1. Shall wear, possess, use, distribute, display or sell any clothing, jewelry, emblem, badge, symbol, sign or other things which are evidence of membership or affiliation in any gang.
2. Shall commit any act or omission, or use speech, either verbal or non-verbal (gestures, handshakes, etc.) showing membership or affiliation in a gang
3. Shall use any speech or commit any act or omission in furtherance of the interests of any gang or gang activity, including, but not limited to:
    a. soliciting others for membership in any gangs
    b. requesting any person to pay protection or otherwise intimidating or threatening any person
    c. committing any other illegal act or other violation of school district policies
    d. inciting other students to act with physical violence upon any other person.